1	KATHLEEN A. LEAVITT Electroncially Filed on 9/04/09 CHAPTER 13 BANKRUPTCY TRUSTEE		
2	201 Las Vegas Blvd. South, Suite 200		
3	Las Vegas, Nevada 89101 Telephone: (702) 853-0700		
4	E-Mail: kal13mail@las13.com		
5	UNITED STATES BANKRUPTCY COURT		
6	FOR THE DISTRICT OF NEVADA		
7	In re: ) BK-S 07-18267 LBR		
8	THOMAS FULTON, Chapter 13		
9	) Date: N/A Debtor(s). ) Time: N/A		
10			
11	TRUSTEE'S EX PARTE MOTION FOR ORDER VACATING ORDER OF DISMISSAL		
12	AND REOPEN CHAPTER 13 PROCEEDING		
13	COMES NOW the Chapter 13 Bankruptcy Trustee, Kathleen A. Leavitt, by and through her counsel of record		
14	Sarah E. Smith, Esq., and files herewith her <i>Ex Parte</i> Motion for Order Vacating Order of Dismissal and Reoper		
15	Chapter 13 Proceeding as follows:		
16	The Debtor filed for Chapter 13 bankruptcy relief on December 10, 2007. The case was dismissed by Order		
17	entered September 2, 2009 for failure to make Plan payments. However, the case was dismissed in error as Debtor's		
18	counsel had advised the Trustee's staff that the Debtor was going to convert his case to a case under Chapter 7.		
19	Although the Order dismissing the case was noticed to all the parties of this bankruptcy, and in order that this		
20	matter may be resolved as expeditiously as possible, the Trustee requests that she be allowed to file this Motion <i>ex parte</i>		
21	to allow the case to remain in Chapter 13 in order that the Debtor may convert to Chapter 7 rather than file a new case		
22	The Order vacating the dismissal Order, after execution by this Honorable Court, shall be noticed to all parties of this		
23	bankruptcy case.		
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1	THEREFORE, for the foregoing reasons, the Trustee requests that this Court grant the within Motion, allow		
2	the Order vacating the "Order Dismissing Case" to be entered, allow the case to be reopened and allow the Trustee to		
3	file said Motion <i>ex parte</i> with notice of entry of the Order to all parties.		
4	DATED this4 <sup>th</sup> _ day of September, 2009.		
5			
6		/s/ Sarah E. Smith SARAH E. SMITH, ESQ.	
7		Nevada Bar No. 010762 201 Las Vegas Blvd. South, Suite 200	
8		Las Vegas, Nevada 89101 Attorney for the Trustee,	
9		KATHLEEN A. LEAVITT	
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